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10/648,427	08/27/2003	Raymond G. Goss	COS97080C1	4018

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EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/648,427
Filing Date: August 27, 2003
Appellant(s): GOSS ET AL.

MAILED

APR 21 2006

Technology Center 2100

Glenn Snyder
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 20, 2006 appealing from the Office action mailed September 21, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest contained in the brief is correct.

(2) Related Appeals and Interferences

A statement identifying no any related appeals, interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

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A statement of status of the claimed contained in the brief is correct.

(4) Status of Amendments After Final

A statement of the status of the amendment after final contained in the brief is correct.

(5) Summary of Claimed Subject Matter

A statement of a summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

A statement of grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

Claims appendix contained in the brief is correct.

(8) Evidence Relied Upon

There is no statement identifying any evidence relied upon.

(9) Grounds of Rejection

Claims 72-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saliba et al. [U.S. Patent No. 6,052,710].

Saliba et al. disclose (e.g., see Figs. 1-8) the invention substantially as claimed. Taking claims 72 and 80 as exemplary claims, the reference discloses a system for providing user support for a user accessing a web site, comprising:

at least one server (Figs. 2-3) configured to:

- a) provide at least one web page (web browser 112) to the user (108), the at least one web page including software (200, 204, embedded FN-calling info of HTML DOC) associated with providing user support services;

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- b) receive a request from the user (522 of Fig. 5, request message at col. 17, lines 7-11), via the at least one web page, for support (e.g., see col. 5, lines 25-30); and
- c) identifying a user party in response to the request (see Events D and E of Fig. 5, col. 3, lines 52-61).

Saliba et al. does not explicitly mention that their embedded FN-calling info of HTTP message is software associated with providing user support services. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that the embedded FN-calling is in fact a piece of software that is embedded in HTTP message because FN-calling is obviously a piece of software.

As to claims 73 and 81, Saliba et al. disclose the feature of sending the request (e.g., col. 5 (lines 23-30), col. 17 (lines 7-11)) for support to the identified user support party via a network (distributed network (col. 16, line 65), 702 of Fig. 7).

As to claims 74 and 82, Saliba et al. disclose the feature of sending a uniform resource locator (URL) to the user support party, the URL representing the web page with which the request was made (e.g., col. 5 (line 11-36), col. 12 (line 59-61), Fig. 8).

As to claims 75-76, 83 and 84, while Saliba et al. disclose the feature of sending the request includes (name, product_ ID, price, quantity, size, image, and reference_ URL with the use of TCP/IP to the server for support for different types of server actions, Saliba et al. does not explicitly mention that their request includes the user's name, the user's telephone associated with the user. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such specific information would have been obviously a matter of choice because these information are nothing more than a specific information fields that the user can obviously have the option to program and send to the server.

As to claims 77 and 85, Saliba et al. disclose the software comprises an applet (e.g., see embedded FN-call 204 of Fig. 2, 512 and 516 of Fig. 5, 712 of Fig. 7, embedded FN-calling info of HTML DOC, Events D and E of Fig. 5, col. 3, lines 52-61).

As to claims 78-79, 86 and 87, Saliba et al. disclose the customer identifier (e.g., see Name at col. 12, line 50).

As to claims 88-112, they are similar to the claims 72-87 with the additional feature of establishing an on-line chat session with the user. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such on-line chat session with the user is well known in the art such as the Instant Message chat offered by AOL. Thus, claims 88-112 are rejected for the same reasons set forth in paragraphs 3-9 above for claims 72-87.

(10) Response to Argument

Appellant's arguments filed 1/20/06 have been fully considered but they are not deemed to be persuasive. In the remark, Appellant argued in substance that:

a) Saliba do not disclose or suggest that the HTTP request is a request for support as required by claim 72;

b) Saliba do not disclose or suggest identifying a user support party in response to the request as recited in claim 72;

c) Saliba do not disclose or suggest sending a URL to a user support party, where the URL represents the web page with which the request was made, as recited in claim 74;

d) Saliba do not disclose or suggest determining an identifier associated with the user and the identifying a user support party comprises identifying the user support party based on the identifier, as recited in claim 78;

e) Saliba do not disclose or suggest receiving information associated with the user; where the information comprises at least one of the user's name, the user's telephone number, an Internet protocol address associated with the user, or a URL representing a web page, as required by claim 88.

f) Saliba do not disclose or suggest passing event performed on the user support system to the user via the communication link to enable the user to view the same web page as that being displayed by the user support system, as further required by claim 89; and.

g) Examiner has not pointed to any portion of Saliba as providing objective motivation for modifying Saliba to include the feature recited in claim 98. And, the Office Action does not provide adequate motivation as to why it would have been obvious to include the feature of establishing an on-line chat session such as Instant Messaging systems with the user at the time of the applicant's invention.

11. As to paragraph 10 a) to g) above, applicant is reminded that the teaching of the reference is not limited to just the portion of the office citation but also the teaching of the whole reference. In fact, this is the applicant's obligation or duty to understand the whole reference, not just the office citation line and column, including all cited references as pertinent prior art and other prior arts known to the applicant.

12. As to paragraphs 10 a) and 10 b) above, Saliba clearly disclosed: a) at least one web page (200) is provided to the user (108) and the web page includes software (204,

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or embedded function calling info) associated with user support services (116); b) receiving a request from the user, via the at least one web page, for support (see the activities between a commerce client and a commerce server thru the web browser of the user 108 and the web server 116 of the web site 100. Thus, Saliba reasonably read on broadly claimed, claim 72.

13. As to the specific paragraphs 5 c) to 5 f) above, Saliba disclosed the feature of sending the request (e.g., see the communication between a commerce client 132 to a commerce server 136 thru the web browser 112 and the web server 116. This request includes (name, product_ ID, price, quantity, size, image, and reference URL with the use of TCP/IP to the server for support for different types of server actions.

14. As to the detail information that includes: the user's name, the user's telephone associated with the user. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that such specific information would have been obviously a matter of choice because these information are nothing more than a specific information fields that the user can obviously have the option to program and send to the server.

15. As to paragraph 5 g) above, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the feature of establishing an on-line chat session with the user would have been obvious to one of ordinary skilled in the art at the time the invention was made.

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16. For the above reason, it is believed that the rejection should be sustained.

Respectfully Submitted,

Krisna Lim


Primary Examiner

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